



Sullivan & Worcester LLP
One Post Office Square
Boston, MA 02109

T 617 338 2800
F 617 338 2880
www.sandw.com

May 12, 2006

The Honorable William G. Young
United States District Judge
5710 United States Courthouse
One Courthouse Way
Boston, MA 02210-3002

Re: Mullinix v. Bogorad-Gross, et al., No. 04-12684-WGY

Dear Judge Young:

We represent the Defendants in this case which was filed on December 22, 2004. After extensive discovery, it is the Defendants' position that there are no genuine issues of material fact in dispute and that Defendants are entitled to judgment as a matter of law. We have, therefore, prepared a motion for summary judgment, and supporting papers, seeking the dismissal of Plaintiff's complaint in its entirety.

However, to support the motion for summary judgment, the Defendants need to submit material evidence which the Plaintiff has designated "Confidential" under the Protective Order entered by the Court on March 7, 2006. The Protective Order prohibits the parties from filing with the Court any evidence adduced during discovery that has been designated as "Confidential". Specifically, Paragraph 17 provides that "[n]othing shall be filed with the court pursuant to the terms of this Protective Order." As Defendants' motion for summary judgment is nearly ready to be filed and served, Defendants respectfully request guidance from the Court on how to bring to the attention of the Court material evidence that plaintiff has designated "Confidential." We are thinking, of course, of a pre-filing motion to impound those purportedly "Confidential" materials pursuant to Local Rule 7.2 but we respectfully ask the Court for guidance if a different procedure is desired.

Thank you for your consideration of this request.

Respectfully submitted,

/s/ Larry L. Varn

Larry L. Varn (BBO # 508130)
Direct line: 617 338 2965
lvvarn@sandw.com

LLV:lmh

cc: Larry C. Kenna, Esq.
Sara E. Solfanelli, Esq.
Lisa M. Hodes, Esq.